



OFFICE OF THE PROSECUTING ATTORNEY
24TH JUDICIAL CIRCUIT
HAMILTON COUNTY, INDIANA

PRESS RELEASE

Friday, May 23, 2014

Background:

Following a traffic stop at approximately 11:41 p.m. on Sunday, March 16, 2014, and further investigation conducted by the Carmel Police Department, law enforcement officers arrested James S. Irsay in the early morning hours of March 17, 2014, on preliminary charges of Operating a Vehicle While Intoxicated, a Class C Misdemeanor and four counts of Possession of a Controlled Substance, a Class D Felony. Mr. Irsay posted bond and was released from the Hamilton County Jail on March 17, 2014.

On March 25, 2014, Mr. Irsay's attorneys moved to continue (postpone) the initial hearing scheduled for March 26, 2014, for the reason that Mr. Irsay had been admitted into an out-of-state medical facility for inpatient treatment. The State was advised of the inpatient treatment status and did not object to the requested continuance. The Court granted the request to postpone the hearing pending the filing of formal charges.

Updated Information:

The Hamilton County Prosecuting Attorney's Office filed one count of Operating a Vehicle While Intoxicated, a Class C Misdemeanor and one count of Operating a Vehicle with a Schedule I or II Controlled Substance or its Metabolite in the Body, a Class C Misdemeanor against James S. Irsay.

The charges, filed on May 23, 2014, are pending in Hamilton County Superior Court IV in Noblesville under cause number 29D04-1405-CM-004035. An initial hearing, which may be waived, is currently scheduled for June 19, 2014 at 1:15 p.m.

Due to the likelihood of inquiries, the Hamilton County Prosecuting Attorney's Office, as a courtesy, provides this release and copy of the charging information and probable cause affidavit for your reference.

Until the case is resolved, no further comment will be made by this office.

The fact that a defendant has been arrested for and/or charged with a crime is merely an accusation, and the defendant is presumed innocent until and unless proven guilty.

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IN THE HAMILTON CIRCUIT/SUPERIOR COURTS

STATE OF INDIANA

COUNTY OF HAMILTON

STATE OF INDIANA

VS.

JAMES STEVEN IRSAY

Carmel, IN 46032

OLN: [REDACTED] Indiana

DOB [REDACTED] /1959

SSN: XXX-XX-[REDACTED]

PHYSICAL DESCRIPTION

Race: W Sex: Male

Height: 6'00" Weight: 180

Eyes: Brown Hair: Gray or Partially Gray

BE IT REMEMBERED,

That on this day comes Roger W. Kuba, who being duly sworn upon his oath, says that in the County of Hamilton, State of Indiana,

Count 1: on or about March 16, 2014 James Steven Irsay did operate a vehicle while intoxicated;

Count 2: on or about March 16, 2014 James Steven Irsay did operate a vehicle with a controlled substance listed in Schedule I or II of I.C. 35-48-2 or its metabolite in his body, to-wit: oxycodone and/or hydrocodone;

All of which is contrary to the form of the statute of such case made and provided, and against the peace and dignity of the State of Indiana.

I affirm, under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.


Roger W. Kuba

Approved by me this 23rd day of May, 2014.


Deputy Prosecuting Attorney

INFORMATION FOR:

Count 1:

Operating a Vehicle While Intoxicated

I.C. 9-30-5-2(a)

a Class C Misdemeanor

Count 2:

Operating a Vehicle with a Schedule I or II

Controlled Substance or its Metabolite in the Body

I.C. 9-30-5-1(c)

a Class C Misdemeanor

FILED
SS:
2014 MAY 23 PM 4:16
PEGGY BEAVER
CLERK
HAMILTON COUNTY COURTS

CAUSE NO. 29D04-1405Cm4035

STATE OF INDIANA IN THE Superior COURT COUNTY OF Hamilton ss:State of Indiana
vs.COURT CAUSE NUMBER _____ AGENCY CASE NUMBER 2014-00017365James Steven Irsay**AFFIDAVIT FOR PROBABLE CAUSE**

I, James Morris, a law enforcement officer with the (agency) Carmel Police Department, affirms that on (date) 03 / 16 / 2014, at approximately 11:41 ☐ am ☒ pm the accused, (first name) James (middle initial) S (last name) Irsay, a ☒ Male, ☐ Female, (d/o/b) / / 1959, (DL number or last four digits of SSN) , (license type) Operator, was observed in (location) 131st Street & Horseferry Rd Hamilton (county) Carmel, Indiana operating a (vehicle description, include CMV and Hazmat indicator): Silver colored Toyota Highlander bearing IN registration 452APF under the following circumstances.

I. PRELIMINARY OBSERVATION/REASON FOR STOP (check all that apply)

- ☒ I observed the accused operate a vehicle in my presence and view.
☐ observed the accused operate a vehicle.
☐ I had reason to believe the accused operated the vehicle because: _____
☒ The accused committed the following violation(s): Failure to signal.
☐ Passenger under age 18 pursuant to IC 9-30-5-3(2)
☐ Other: _____
- Crash Involved: ☐ Yes ☒ No Crash involved Local Crash Number: _____ Time of Crash: _____ ☐ am ☐ pm
☐ The accused admitted to being the driver involved in the crash.
☐ The result of the accused driving resulted in: ☐ serious bodily injury ☐ fatality
 Name(s) of person(s) injured: _____

II. OBSERVATIONS

I had reason to believe the accused was **INTOXICATED** because I observed the following:

<input type="checkbox"/> Odor of alcoholic beverage	<input type="checkbox"/> Left vehicle in gear	Field Test	Passed	Failed
<input type="checkbox"/> Alcohol beverage containers in view	<input type="checkbox"/> Failed to shut off vehicle	<input checked="" type="checkbox"/> HGN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Speech was <u>Slow and Slurred</u>	<input type="checkbox"/> Could not open door	<input checked="" type="checkbox"/> Walk and Turn	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Eyes were <u>Red and Glassy</u>	<input checked="" type="checkbox"/> Pulled self from vehicle	<input checked="" type="checkbox"/> One Leg Stand	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Manual dexterity <u>Poor</u>	<input checked="" type="checkbox"/> Staggered from vehicle	<input type="checkbox"/> Rhomberg Balance	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Abusive attitude	<input type="checkbox"/> Leaned against vehicle	<input checked="" type="checkbox"/> P.B.T./Alco-sensor 0. <u>01</u> gram of alcohol per 210 liters of breath		
<input checked="" type="checkbox"/> Balance was <u>Very Unsteady</u>		<input checked="" type="checkbox"/> DRE: Conclusion: <u>Presence of CNS Depressants</u>		
<input type="checkbox"/> Soiled/disorderly clothing		Performed by: <u>Officer Z. Battic (4015 CPD)</u>		

☒ Other observations/test: Mr. Irsay came to a complete stop on 131st street for no apparent reason.
C to N: Mr. Irsay recited the alphabet from C to M and then stopped and started over. He then went to the letter Z and then said the letters "I" "N" "G".
103-78 backwards count. Irsay counted backwards to the number 49 at which time I told him to stop. Mr. Irsay advised that he was having a hard time finding his house.

III. CHEMICAL TEST

- ☒ I advised the accused of the Implied Consent Law and the accused: ☐ submitted to, or ☒ refused a chemical test ☒ results are pending
☐ I was unable to offer a chemical test to the accused because such person was: ☐ unconscious ☐ injured
☒ Zachary Batic, a certified chemical test operator, determined from a chemical test that the accused had an alcohol concentration equivalent to 00 gram of alcohol per 210 liters of breath. The chemical test was administered at (location) Hamilton County Jail at 1:01 ☒ am ☐ pm using certified instrument number 990178
☐ I was told by the result of the chemical test was an alcohol concentration equivalent to 0 gram of alcohol per 100 milliliters of blood. Such test was administered by drawing or taking a sample of whole blood at ☐ am ☐ pm. Drawn by:
☒ I was told by (name) NMS Labs the result of the chemical test determined that the accused had in his/her body a controlled substance, a controlled substance metabolite, or a drug, to wit hydrocodone and oxycodone. Such test was administered by drawing or taking a sample of: ☒ blood, ☐ urine, ☐ other at (location) Hamilton County Jail at (time) 2:40 ☒ am ☐ pm.
 Drawn by: Kayleigh Follmar LPN

IV. WITNESS INFORMATION (Only Print Witness Information on Officer and Prosecutor Copy.)

1. Name _____	Address _____	TX Number _____
2. Name _____	Address _____	TX Number _____

V. PREVIOUS INDIANA AND OUT OF STATE CONVICTION(S)

- Offense, Court Information, Conviction Date and Court Cause/Case number. _____
- Offense, Court Information, Conviction Date and Court Cause/Case number. _____

THE ACCUSED COMMITTED A VIOLATION OF IC 9-30-5, IC 14-15-8, or IC 31-37-19.

I AFFIRM PURSUANT TO IC 35-34-1-2.4 UNDER THE PENALTY OF PERJURY THAT THE FOREGOING FACTS ARE TRUE.

Signature of Affiant <u>James Morris</u>	Date (month, day, year) <u>03 / 17 / 2014</u>	Print Name & Department <u>James Morris Carmel PD</u>
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ORIGINAL TO PROSECUTOR/COURT 1st COPY TO BMV FROM COURT 2nd COPY FOR OFFICER**Bureau of Motor Vehicles Certificate**

COURT CAUSE/CASE NUMBER: _____ AGENCY CASE NUMBER: 2014-00017365
 Offense Date (month, day, year): 03 / 16 / 2014 Time: 11:41 ☐ am ☒ pm (DL number or last four digits of SSN)
 Driver License Type: Operator Driver License State: Indiana
 Full Name: (First) James (Middle Initial) S (Last) Irsay
 Date of Birth: 1959 Gender: Male Weight: 180 Height: 6'00" Eye Color: Brown Hair Color: Grey Race: White
 Address (number and street, city, state, and ZIP code): , Carmel, IN, 46032
 Vehicle Type: ☒ Passenger ☐ CMV ☐ Hazmat ☐ Other: _____
 The above Motorist: ☒ Refused ☐ Failed Alcohol Test 0. BAC Drugs: ☒ Yes ☐ No ☒ Pending Results of Alcohol or Drug Test(s)
PROBABLE CAUSE FOUND THAT DEFENDANT VIOLATED IC 9-30-5 or IC 14-15-8 and charges are pending. THE COURT RECOMMENDS THAT THE BMV TAKE THE FOLLOWING ACTION ON DEFENDANT'S DRIVING PRIVILEGES:
☐ Immediate Suspension ☐ Suspend upon notice from the Bureau of Motor Vehicles ☐ Court Ordered Ignition Interlock Device in Lieu of Suspension
 Judge's Signature: _____ Date (month, day, year): _____ / _____ / _____